

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

TRANSGENDER AMERICAN VETERANS))	
ASSOCIATION,)	
)	
Petitioner,)	
v.)	
)	No. 2024-1714
DENIS R. MCDONOUGH,)	
Secretary of Veterans Affairs,)	
)	
Respondent.)	
)	
)	
_____)	

CONSENT MOTION FOR VOLUNTARY DISMISSAL

WHEREAS, this petition for review alleges Respondent’s February 22, 2024 denial of Petitioner’s petition to include medically necessary gender-confirmation surgery for transgender veterans in the U.S. Department of Veterans Affairs (“VA”) medical benefits package violates the Administrative Procedure Act, the Constitution, and Section 1557 of the Affordable Care Act, *Transgender Am. Veterans Ass’n v. Sec’y of VA*, No. 2024-1714 (Fed. Cir. April 18, 2024), ECF No. 1-2, and

WHEREAS, the Secretary of Veterans Affairs (the “Secretary”) agrees that gender-affirming care, including gender-confirmation surgery where warranted, is medically needed treatment for veterans with gender dysphoria, *Id.*, ECF No. 65, at 13, 24, 25 and

WHEREAS, the Secretary has acknowledged “the necessity of gender affirming surgery for certain veterans” and has publicly promised to provide gender-affirming care to veterans, including by pledging to make changes that will “save lives” by “allow[ing] transgender vets to go through the full gender confirmation process with VA by their side”; *Id.*, ECF No. 65, at 24; *Id.*, ECF No. 78, at 161, and

WHEREAS, the Secretary acknowledges that providing gender-confirmation surgery to veterans with gender dysphoria would not be prohibitively expensive for VA, *Id.*, ECF No. 78, at 163;

THEREFORE, Petitioner hereby moves for the voluntary dismissal of the above-captioned action, without prejudice and without fees or costs to either side, pursuant to Federal Rule of Appellate Procedure 42(b).

Petitioner consulted with counsel for Respondent, who has no objection to the voluntary dismissal of this petition.

Dated: January 10, 2025

By: /s/ Michael J. Wishnie
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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, the foregoing Consent Motion for Voluntary Dismissal was filed with the Clerk of the United States Court of Appeals for the Federal Circuit using the appellate ECF system and served electronically on all counsel of record.

Dated: January 10, 2025

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